



Book	Policy Manual
Section	4000 - Personnel Certified/Non-Certified
Title	Emergency/Personal Leave Regulation
Code	4151.71-R
Status	Active
Adopted	May 22, 2012
Last Revised	July 29, 2025
Last Reviewed	July 29, 2025
Prior Revised Dates	5/11/2021

EMERGENCY/PERSONAL LEAVE

I. Definitions

"Family violence" means an incident resulting in physical harm, bodily injury or assault, or an act of threatened violence that constitutes fear of imminent physical harm, bodily injury, or assault between family or household members. Verbal abuse or arguments generally will not constitute "family violence" unless there is a present danger and the likelihood that physical violence will occur.

"Leave" includes paid or unpaid leave which may include, but is not limited to, compensatory time, vacation time, personal days off, or other time off.

II. Leave for Family Violence Victims

At times an employee may need to be absent from work due to family violence, and the length of time should be determined by the individual's situation. The time period shall be determined through collaboration/cooperation/discussion with the employee.

The Board of Education shall allow family violence victims to take paid or unpaid leave (including compensatory time, vacation time, personal days, or other time off) during any calendar year in which the leave is reasonably necessary to:

1. seek medical care or psychological or other counseling for physical or psychological injury or disability,
2. obtain services from a victim services organization,
3. relocate due to the family violence, or
4. participate in any civil or criminal proceeding related to or resulting from such family violence.

Unpaid leave, for the reasons cited above, shall be limited to 12 days per calendar year. However, leave for any of the four reasons cited above, shall not be affected by any other leave provided under state or federal law.

In providing leave to family violence victims, the following guidelines are to be followed:

1. The employee seeking leave shall provide up to seven days' notice to the District/Superintendent or his/her designee when the need to use leave is foreseeable and as soon as practicable when it is not.
2. The employee shall provide the District with a signed written statement certifying that the leave is for a purpose authorized under P.A. 10-144.
3. The District may request that the employee provide:
 - a. police or court record related to the family violence, or
 - b. signed written statement that the employee is a victim of family violence from the employee or an agent of a victim services organization, an attorney, an employee of the Judicial Branch's Office of Victim Services or the Office of the Victim Advocate, licensed medical professional, or other licensed professional from whom the employee has sought assistance with respect to the family violence.
4. The District/Superintendent or his/her designee shall keep any such written statement or police or court record confidential.
5. The District/Superintendent or his/her designee will not further disclose the information except as required by law or as necessary to protect the employee's safety in the workplace, but in these situations, the employee must be given notice before the disclosure.
6. The District/Superintendent or his/her designee may provide, if it so chooses, more leave than required by P.A. 10-144.
7. The rights of the employee under the terms of the employee's employment or collective bargaining agreement, in effect on October 1, 2010, shall not be diminished or preempted.

In addition, in compliance with P.A. 10-144, the District is not required to provide paid leave if:

1. the employee is not entitled to paid leave pursuant to the terms and conditions of his or her employment, or
2. the paid leave exceeds the maximum amount of leave due the employee during any calendar year. However, the Act requires the employer to provide unpaid leave if paid leave is exhausted or not provided.

III. Leave for FMLA Reasons

Reduced schedule leave is leave that reduces the employee's usual number of work hours per day for some period of time. For example, an employee may request half-time work for a number of weeks so the employee can assist in the care of a seriously ill parent.

An employee may take full-time, intermittent or reduced schedule leave whenever it is medically necessary for a serious health condition of the eligible employee, his or her spouse, child or parent. Intermittent leave or reduced schedule leave for other reasons will be permitted only with the approval of the Superintendent or his/her designee.

If intermittent or reduced schedule leave is medically required, the Board may, in its sole discretion, temporarily transfer the employee to another job with equivalent pay and benefits that better accommodates the type of leave requested. Also, special arrangements may be required of an instructional employee who needs to take intermittent or reduced-schedule leave which will involve absence for more than twenty (20) percent of the work days in the period over which the leave will extend (for example, more than five days over a five-week period). For purposes of this policy, an instructional employee is defined as a teacher or other employee of the board who is employed principally in an instructional capacity and whose principal function is to teach and instruct students in a class, a small group, or an individual setting, and includes athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. The term does not include teacher assistants or aides who do not have as their principal function actual teaching or instructing, nor auxiliary personnel such as counselors, psychologists, curriculum specialists, cafeteria workers, maintenance workers, bus drivers, or other primarily noninstructional employees.

a. Both Spouses Working for the Same Employer

If both spouses are employees of the Board and request leave for the birth, placement of a child by adoption or for foster care, or to care for a seriously ill parent, they only will be entitled to a maximum combined total leave equal to twelve (12) weeks in any 12-month entitlement period. If either spouse (or both) uses a portion of the total 12-week entitlement for one of the purposes in the

preceding sentence, each is entitled to the difference between the amount he or she has taken individually and the 12 weeks for FMLA leave for their own or their spouse's serious health condition in the 12-month entitlement periods.

b. Light Duty

Should an employee be offered a light duty opportunity during a period of FMLA leave, time spent performing the light duty assignment will not count against the employee's FMLA leave entitlement. The employee's right to restoration to his or her job will be held in abeyance during the light duty assignment, or until the end of the applicable 12-month FMLA leave period.]

c. Leave Taken by Instructional Employees Near the End of an Academic Term

If a leave taken by an instructional employee for any reason begins more than five (5) weeks before the end of an academic term, the Board may require that employee to continue the leave until the end of the term if the leave will last at least three (3) weeks and the employee would return to work during the three-week period before the end of the term.

If the employee begins a leave during the five-week period preceding the end of an academic term for a reason other than the employee's own serious health condition, the Board may require the employee to continue taking leave until the end of the term if the leave will last more than two (2) weeks and the employee would return to work during the two-week period before the end of the term.

If the employee begins a leave during the three-week period preceding the end of an academic term for a reason other than the employee's own serious health condition, the Board may require the employee to continue taking leave until the end of the term if the leave will last more than five (5) working days.

REQUESTS FOR LEAVE

Requests for a family or medical leave must be submitted to the human resources department at least thirty (30) days before the leave is to commence, if possible. If thirty (30) days' notice is not possible, requests must be submitted as soon as practicable under the circumstances.

For leaves taken because of the employee's or a family member's serious health condition, the employee must submit a completed "Physician or Practitioner Certification" form before the leave begins if possible. This form may be obtained from the personnel department. If such advance certification is not possible, the medical certification must be provided by the employee within fifteen (15) calendar days of the Board's request for the medical certification.

If an employee takes leave to care for his or her own serious health condition, immediately upon return to work the employee must provide medical certification that the health condition which created the need for the leave no longer renders the employee unable to perform the functions of the job. This certification must be submitted to the human resources department.

In connection with the Board's request for medical information, employees must be aware that the Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, the Board requests that employees not provide any genetic information when responding to a request for medical information. 'Genetic information,' as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

USE OF PAID LEAVE

Accrued paid personal leave and accrued paid vacation will be substituted (in that order) for any unpaid portions of family or medical leave taken for any reason. However, where the leave is for the employee's own serious health condition, accrued paid sick leave shall be substituted for unpaid portions of medical leave prior to the substitution of accrued paid personal and accrued paid vacation leave. The amount of unpaid family or medical leave entitlement is reduced by the amount of paid leave that is substituted. If leave is taken for a family member's care, the employee is to use allocated family illness time prior to personal time and vacation time.

In addition, in cases involving absences due to a Workers' Compensation injury that also qualifies as an FMLA serious health condition, and if the employee agrees with the Board to do so, the Board will apply the employee's available accrued paid leave in increments as a supplement to the Workers' Compensation weekly benefit in an appropriate amount, in accordance to the bargaining agreement language, so that the employee can maintain his or her regular weekly income level.

MEDICAL INSURANCE AND OTHER BENEFITS

During approved family or medical leaves of absence, the Board will continue to pay its portion of medical insurance premiums for the period of unpaid family or medical leave. The employee must continue to pay his/her share of the premium, and failure to do so may result in loss of coverage. If the employee does not return to work after expiration of the leave, the employee will be required to reimburse the Board for payment of medical insurance premiums during the family or medical leave, unless the employee does not return because of a serious health condition or circumstances beyond the employee's control.

During an FMLA leave, an employee shall not accrue seniority, pension benefits, or sick or vacation leave, unless otherwise required by any applicable collective bargaining agreement or Board Policy. However, unused employment benefits accrued by the employee up to the day on which the leave begins will not be lost upon return to work. Leave taken under this policy does not constitute an absence under Board's attendance policy.

REINSTATEMENT

Except for circumstances unrelated to the taking of a family or medical leave, an employee who returns to work following the expiration of a family or medical leave is entitled to return to the job held prior to the leave or to an equivalent position with equivalent pay and benefits.

ADDITIONAL INFORMATION

Questions regarding family or medical leave may be directed to the Superintendent or his/her designee. An employee may file a complaint with U.S. Department of Labor or may bring a private lawsuit against an employer. FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

Legal

Regs. Conn. State Agencies 31-51rr-1, et seq.

Family and Medical Leave Act of 1993, 29 U.S.C. Section 2601 et seq., as amended
29 CFR Part 825.100 et seq.

Title II of the Genetic Information Nondiscrimination Act of 2008, Pub.L.110 233, 42
USC 2000ff; 29 CFR 1635.1 et seq.

46b-15 Relief from physical abuse by family or household member or person in
dating relationship. Application. Court orders. Duration. Copies. Expedited hearing for
violation of order. Other remedies.

46b-38a Family violence prevention and response: Definitions

54-85b Employment protection for witnesses and victims of crime. Penalty. Action for
damages and reinstatement.

P.A. 10-144 An Act Concerning the Recommendations of the Speaker of the House of
Representatives' Task Force on Domestic Violence.